

### **REMARKS**

The Office Action mailed on December 15, 2005 in connection with the instant application indicates that in the Amendment filed on November 23, 2005, a complete listing of the claims was not present, and that the claims were not presented in ascending numerical order.

Claims 21, 25-28, 30 and 32-35 were pending and allowed. The Amendment of November 23, 2005 added five new claims and indicated that new claims "36-41" were added; however, no new claim 38 was presented. Thus, it appears that the Office Action refers to the absence of claim 38 from the listing of claims in the Amendment of November 23, 2005.

The absence of claim 38 from the Amendment of November 23, 2005 was an editorial error in the numbering of the claims. Applicant intended to add five new claims, which should have been numbered 36-40 instead of 36, 37 and 39-41. Thus, in response to the notice of non-compliant amendment, Applicant has renumbered claims 39-41 of the Amendment of November 23, 2005 as new claims 38-40, respectively.

As indicated in the Amendment of November 23, 2005, support for the new claims may be found in the present application at, for example, on page 7, lines 25-46, in claim 1 as filed, on page 12, line 20, on page 13, line 1, and in the Statement Of Applicant Regarding Permanence And Availability Of Deposited Microorganisms, originally submitted on October 15, 2002 in connection with related application no. 09/509,283.

Accordingly, following entry of the amendments made herein, claims 21, 25-28, 30, and 32-40 will be pending in the present application.

Claims 21 and 30 were amended in the Amendment filed on November 23, 2005, the same amendments being presented herein. As indicated in the Amendment of November 23, 2005, support for the recitation in amended claims 21 and 30 that the 8F4 polypeptide occurs on two-signal-activated human "CD4<sup>+</sup> T lymphocytes from human peripheral blood" can be found, *e.g.*, on page 12, line 20 and page 12, line 1 of the specification. Claims 21 and 30 have also been amended to clarify that the 8F4 polypeptide is recognized by the antibody "produced by the hybridoma" deposited with the DSMZ and assigned accession no. DSM ACC2539, since the hybridoma, not the antibody itself, was the subject matter of the DSMZ deposit (see Statement of Applicant Regarding Permanence and Availability of Deposited Microorganisms submitted in connection with related application no. 09/509,283 on October 15, 2002).

It appears that in the Amendment of November 23, 2005, claim 21 was not accorded the correct status identifier of "currently amended." Thus, in addition to renumbering claims 39-41, the present Amendment corrects the status identifier of claim 21.

No new matter is added by the amendments made herein.

### **CONCLUSION**

Applicant respectfully requests that the amendment and remarks made herein be entered and made of record in the file history of the subject application.

Respectfully submitted,

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